

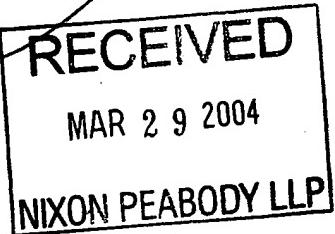


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371(e) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/627,588	07/28/2003	Laurence C. Eisenlohr	003252-053311-C

David S. Resnick, Esq.  
 NIXON PEABODY LLP  
 101 Federal Street  
 Boston, MA 02110



CONFIRMATION NO. 2965

## FORMALITIES LETTER



\*OC000000012199671\*

Date Mailed: 03/26/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

05/14/2004 MBLANCO 00000006 10627588

01 FC:2001  
02 FC:2051385.00 OP  
65.00 OP

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$900** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Practitioner's Docket No. 003252-53311-C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Eisenlohr et al.  
Application No.: 10/627,588      Group No.: 1645  
Filed: 07/25/2003      Examiner: To be assigned  
For: NOVEL METHOD FOR ASSESSING RECODING IN VITRO AND IN  
VIVO

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a) and 1.10)

I hereby certify that this correspondence:

1. Certificate of Mailing (1 pg.);
2. Copy of Notice to file Missing Parts of Non-Provisional Application (2 pp.);
3. Transmittal Form (2 pp.);
4. Amendment under C.F.R. §1.825 (1 pg.);
5. Submission of "Sequence Listing," Computer Readable Copy, and/or Amendment Pertaining Thereto (2 pp.);
6. Paper Copy of Sequence Listing (3 pp.);
7. Computer readable copy of Sequence Listing (1 disk);
8. Change of Attorney's Address (1 pg.);
9. Fee Transmittal (1 pg.);
10. Copy of the Request to Correct Filing Receipt Submitted 4/22/04 (1 pg.);
11. Check - \$450.00; and
12. Return Receipt Postcard.

is on the date shown below being:

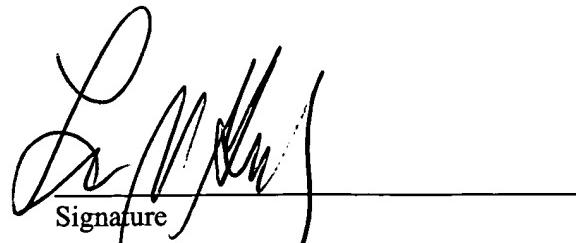
MAILING

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

Date: May 11, 2004

FACSIMILE

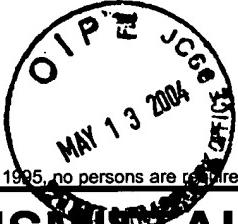
transmitted by facsimile to the Patent and Trademark Office.



A handwritten signature in black ink, appearing to read "Linda M. Ginsberg". Below the signature is a horizontal line with the word "Signature" written above it.

Linda M. Ginsberg  
(type or print name of person certifying)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 450.00)

## Complete if Known

Application Number	10/627,588
Filing Date	July 25, 2003
First Named Inventor	Laurence C. Eisenlohr
Examiner Name	To be assigned
Art Unit	1645
Attorney Docket No.	003252-53311-C

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None Deposit Account:Deposit Account Number  
Deposit Account Name50-0850  
Nixon Peabody LLP

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	385.00
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)		385.00	

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			- 3** =	X	=

Large Entity	Small Entity	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		0.00

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	65.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$)	65.00

(Complete if applicable)

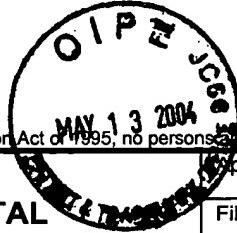
Name (Print/Type)	David S. Resnick/Leena H. Karttunen	Registration No. (Attorney/Agent)	34,235/10.9(b)	Telephone	617-345-6057
Signature	May 11, 2004				

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.


**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

		Application Number	10/627,588
		Filing Date	July 25, 2003
		First Named Inventor	Laurence C. Eisenlohr
		Art Unit	1645
		Examiner Name	To be assigned
Total Number of Pages in This Submission		Attorney Docket Number	003252-53311-C

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):  See the attached additional enclosures
<b>Remarks</b> The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment to the Nixon Peabody LLP Deposit Account No. 50-0850.		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	David S. Resnick (34,235)/Leena H. Karttunen 10.9(b) Nixon Peabody LLP, 100 Summer Street, Boston, MA 02110
Signature	
Date	May 11, 2004

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Washington, DC 20231 on this date:

Typed or printed name	Linda M. Ginsberg	
Signature		Date
	05/11/2004	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**TRANSMITTAL FORM  
(PTO/SB/21)**

**ADDITIONAL ENCLOSURES**

Application Number	10/627,588
Filing Date	July 25, 2003
First Named Inventor	Laurence C. Eisenlohr
Art Unit	1645
Examiner Name	To be assigned
Attorney Docket Number	003252-53311-C

Certificate of Mailing

Copy of Notice to File Missing Parts

Amendment under CFR 1.825

Submission of Sequence Listing

Paper Copy of Sequence Listing

Computer readable form of sequence listing

Copy of the Request to Correct Filing Receipt Submitted 4/22/04

Check \$450.00

Return Receipt Postcard



Practitioner's Docket No. 003252-53311-C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Eisenlohr et al.

Application No.: 10/627,588

Group No.: 1645

Filed: 07/25/2003

Examiner: To be assigned

For: NOVEL METHOD FOR ASSESSING RECODING IN VITRO AND IN  
VIVO

CERTIFICATE OF MAILING

I hereby certify that this correspondence, on the date shown below, is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to MAIL STOP MISSING PARTS, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Date: May 11, 2004

Linda M. Ginsberg

MAIL STOP MISSING PARTS  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT UNDER C.F.R. § 1.825

Applicants enclose herewith a computer readable form and a paper copy of the "Sequence Listing" and a statement that the content of the paper and computer readable copies are the same.

Please insert the attached sequence listing into the application.

The Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 50-0850.

Date: May 11, 2004

Respectfully submitted,

David S. Resnick (Reg. No. 34,235)  
Leena H. Karttunen (37 CFR 10.9(b))  
NIXON PEABODY LLP  
100 Summer Street  
Boston, MA 02110  
Tel. (617) 345-6057



Practitioner's Docket No. 003252-53311-C

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Eisenlohr et al.  
Application No.: 10/627,588      Group No.: To be assigned  
Filed: 07/25/2003      Examiner: To be assigned  
For: NOVEL METHOD FOR ASSESSING RECODING IN VITRO AND IN  
VIVO

**Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,  
AND/OR AMENDMENT PERTAINING THERETO  
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE  
AND/OR AMINO ACID SEQUENCE**

1. The present submission is being filed in response to Notice to File Missing Parts mailed March 26, 2004 in connection with the above-entitled Utility Patent Application.

**IDENTIFICATION OF PERSON MAKING STATEMENT**

2. I, Leena H. Karttunen, state the following:

**ITEMS BEING SUBMITTED**

3. Submitted herewith is/are:
  - a. Sequence Listing(s) for the nucleotide and/or amino acid sequence(s) in this application. Each Sequence Listing is assigned a separate identifier as required in 37 C.F.R. § 1.821(c) and 37 C.F.R. §§ 1.822 and 1.823.
  - b. A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. § 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING"  
AND COMPUTER READABLE COPY ARE THE SAME AND THAT PAPERS  
SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

In re application of: Eisenlohr et al.  
Application No.: 10/627,588  
Filed: 07/25/2003  
For: NOVEL METHOD FOR ASSESSING RECODING IN VITRO AND IN VIVO

Group No.: To be assigned

Examiner: To be assigned

- a. Each computer readable form submitted in this application, including those forms requested to be transferred from Applicant's other application where applicable, is the same as the "Sequence Listing" to which it is indicated to relate.
- b. All papers accompanying this submission, or for which a request for transfer from Applicants' other application, introduce no new matter.

#### **STATUS**

5. Applicant is a small entity.

#### **EXTENSION OF TERM**

6. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply. Applicants believe that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

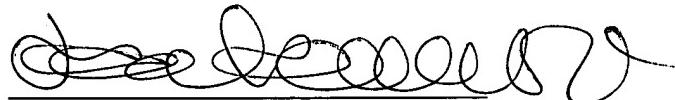
#### **FEE DEFICIENCY**

If any additional extension and/or fee is required, charge Nixon Peabody Deposit Account No. 50-0850.

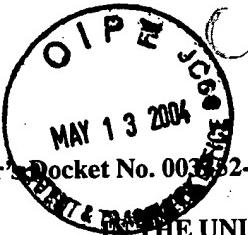
#### **SIGNATURE(S)**

Date: 5/11/2004

Respectfully submitted,



Leena H. Karttunen (37 CFR §10.9(b))  
NIXON PEABODY LLP  
100 Summer Street  
Boston, MA 02110  
Tel. (617) 345-6057/1367  
Fax (617) 345-1300



Practitioner's Docket No. 003382-53311-C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Eisenlohr et al.

Application No.: 10/627,588

Filed: July 25, 2003

For: NOVEL METHOD FOR ASSESSING RECODING IN VITRO AND IN VIVO

Group No.: To be assigned

Examiner: To be assigned

ATTN OF FAX NO.: 703-746-9195

REQUEST FOR CORRECTED FILING RECEIPT (SECOND REQUEST)

Dear Sirs,

Please note that we previously sent this request on August 18, 2003.

1. Applicants respectfully request that the FILING DATE of the above-identified patent application be corrected. Attached is a copy of the Filing Receipt and the Return Receipt Postcard which indicates an erroneous filing date for the above-referenced application for which issuance of a corrected filing date of July 25, 2003 is respectfully requested.
2. There is an error with respect to the filing date.
3. Copy of the Express Mail Label is attached herewith.
4. Applicants believe no fee is due. However, for any fee deficiencies associated with this filing, please charge the Nixon Peabody LLP Deposit Account No. 50-0850.

*Error in*

1. Filed: July 28, 2003

Date: 4/20/2004

*Correct data*

1. Filed: July 25, 2003

*Deeeler*  
David S. Resnick (34,235)  
Leena H. Karttunen (Under 37 CFR §10.9(b))  
Nixon Peabody LLP  
101 Federal Street  
Boston, MA 02110  
617-345-6054  
Customer No. 26248

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

G deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

[ ] with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

G as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

[X] facsimile transmitted to the Patent and Trademark Office, (703) 746- 9195.

Date: April 15, 2004

Apr. 15, 2004 (MK)

Signature

Melissa Krugel

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.